

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JEREMY ALLEN RUSSELL,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 15-101-RAW-SPS
)	
TIM WILKINSON, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

This action is before the Court on the defendants' motion for summary judgment and the Court's own motion to consider dismissal of the case for Plaintiff's failure to prosecute the action. Plaintiff, a former inmate in the custody of the DOC brought this action on March 16, 2015, under the authority of 42 U.S.C. § 1983, seeking relief for alleged constitutional violations during his incarceration at Davis Correctional Facility (DCF), a private prison in Holdenville, Oklahoma. The defendants are Tim Wilkinson, DCF Warden; Mark Gentry, DCF Chief of Security; and Ray Larimer, DCF Medical Administrator.

After a review of the record, the Court has determined that Plaintiff no longer is in the custody of the DOC. The DOC offender website at <http://www.ok.gov/doc/> indicates Plaintiff is "inactive," having ended his incarceration on May 6, 2016. Furthermore, on September 26, 2016, the Court verified Plaintiff's discharge from custody by calling the DCF facility where he had been incarcerated. Plaintiff has not advised the Court of his current address, as required by the Court's local rule:

All papers shall contain the name, mailing address, daytime telephone number, fax numbers, and e-mail address, if any, of the attorney or *pro se* litigant. If any of this information changes, the attorney or *pro se* litigant

must notify the Court by filing the form provided by the Clerk and serving a copy on opposing counsel or pro se parties. . . .”

Local Civil Rule 5.6(a). Because Plaintiff has failed to comply with Local Civil Rule 5.6(a), this action is dismissed without prejudice for failure to prosecute. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal sua sponte for failure to prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, this action is, in all respects, **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

IT IS SO ORDERED this 28th day of September 2016.

A handwritten signature in dark ink, reading "Ronald A. White". The signature is written in a cursive, flowing style. The first name "Ronald" is written with a large, prominent "R". The middle initial "A." is written in a smaller, more compact script. The last name "White" is written with a large, prominent "W". The signature is positioned above a horizontal line.

RONALD A. WHITE
UNITED STATES DISTRICT JUDGE